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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,514	06/28/2000	Li Gong	83000.930C/P2136/AES	1326

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EXAMINER

MEISLAHN, DOUGLAS J

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 03/31/2003

114

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/607,514

Applicant(s)

GONG, LI

Examiner

Douglas J. Meislahn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment filed 28 January 2003 that amended claim 27.

Response to Arguments

2. Applicant's arguments filed 28 January 2003 have been fully considered but they are not persuasive. Applicant argues that Fischer does not suggest taking or using a "snapshot" of an object which represents the object at a point of execution. To support this, applicant first cites lines 20-23 of column 8, which clearly repudiate applicant's argument. To overcome this, applicant cites lines 47-54 of column 11 as supporting this assertion, saying "the execution is suspended and a collection of instances are saved." Applicant does not actually say what execution has been suspended. A careful reading of the cited passage shows that it is the execution of the instances making up the cell, not the objects represented by the cell. To demonstrate, the second sentence of the cited passage ("These cells represent a package of objects which are essentially self contained and are a collection of instances whose execution can be suspended and stored as a file") can be broken down as follows: these cells are a collection of instances whose execution can be suspended and stored as a file, and also these cells represent a package of objects which are essentially self contained.
3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., continued execution of an object following the snapshot's production;

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authenticating a "live" object) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

4. Applicant's comments regarding Schneier and Chaplin focus on them not teaching taking a snapshot of an object. As has been shown above, this feature is taught by Fischer and hence need not be shown by Schneier or Chaplin.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4 and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Fischer (EPO 0 638 860 A2).

In lines 38-45 of column 5, Fischer talks about signing only the critical portions of a cell. The cell is made up of objects. Applicant's snapshot, which is a copy of a main memory, directly corresponds to the critical portions of the cell.

Digital signatures are inherently verified. Subsequently, the information that the signature was authenticating is accessed.

Fischer says that this cell can itself be treated as an object in lines 20-23 of column 8. Figure 10 shows the signatures, element 122, and the critical portions, element 116, stored in a cell.

Digital signatures are inherently invalidated when the data which they are supposed to authenticate is changed.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5-7, 15-17, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer in view of Schneier (Applied Cryptography).

Fischer displays a system of signing only the critical objects that make up a larger object. As can be seen in figure 10 of Fischer, elements 122 and 123, the authenticating signatures and the certificate specification set, correspond to two signatures used to authenticate the critical objects. Fisher does not say anything about one of the signatures being made from the critical objects. On page 39, Schneier shows a digital signature that is made by encrypting a message-to-be-authenticated with a private key. Decryption using the corresponding public key not only retrieves the data, but also indicates that the data was encrypted by the private key's holder. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the critical objects of Fischer to generate their signatures so that the signatures could be used as proofs against data.

9. Claims 8-10 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer in view of Chaplin (5315655).

Fischer displays a system of signing only the critical objects that make up a larger object. As shown by element 114 of figure 10, Fischer's system can encrypt the cells and the digital signatures. Encryption keys are inherently generated prior to encryption. Fischer does not say that the leftover unencrypted objects are deleted. Figure 7 of Chaplin clearly shows the encryption of data in part 704 and then the deletion of the unencrypted copy of the data in part 705. Chaplin also teaches decryption of data in figure 8. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to delete unencrypted copies of the critical objects after the objects had been encrypted. Unencrypted copies could otherwise be used to circumvent the protection provided by the encryption.

10. Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer in view of Schneier.

Fischer in view of Schneier shows a system of signing only the critical objects that make up a larger object where the signature is made from the critical objects. Digital signatures are inherently invalidated when the data which they are supposed to authenticate is changed. In lines 40-50 of column 2, Fischer teaches the advantage of object-oriented programming, saying that it is polymorphic. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement modules that process cells as an object to reap the rewards of polymorphism. At some point this would require the snapshot and signature to be stored within the processing object.

11. Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer in view of Schneier as applied to claim 22 above, and further in view of Chaplin.

Fischer in view of Schneier shows a system of signing only the critical objects that make up a larger object where the signature is made from the critical objects. As shown by element 114 of figure 10, Fischer's system can encrypt the cells and the digital signatures. Encryption keys are inherently generated prior to encryption. Fischer does not say that the leftover unencrypted objects are deleted. Figure 7 of Chaplin clearly shows the encryption of data in part 704 and then the deletion of the unencrypted copy of the data in part 705. Chaplin also teaches decryption of data in figure 8. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to delete unencrypted copies of the critical objects after the objects had been encrypted. Unencrypted copies could otherwise be used to circumvent the protection provided by the encryption.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas J. Meislahn whose telephone number is (703) 305-1338. The examiner can normally be reached on between 9 AM and 6 PM, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barrón can be reached on (703) 305-1830. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



DJM

March 25, 2003

Douglas J. Meislahn
Examiner
Art Unit 2132



GILBERTO BARRÓN
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